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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,676	08/02/2001	Dawn Marie Schwarzkopf	501295	6754

23626 7590 10/02/2003  
LEYDIG VOIT & MAYER, LTD  
6815 WEAVER ROAD  
ROCKFORD, IL 61114-8018

EXAMINER

SUHOL, DMITRY

ART UNIT PAPER NUMBER

3712

DATE MAILED: 10/02/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/920,676

Applicant(s)

SCHWARZKOPF, DAWN MARIE

Examiner

Dmitry Suhol

Art Unit

3712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10,12-17,19 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-10,12-17,19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8, 10, 12-15, 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Polatschek (GB 2,152,437) in view of Evans (GB 2,336,570) and Kohl (product description entitled "Reading to the left"). Polatschek discloses a computer related apparatus containing some of the elements of the claims including, providing a keyboard overlay (figure 1) as required by claims 1, 17 and 19, a plurality of individual key-accommodating structures (elements 1) as required by claims 1, 17 and 19, each structure having a transparent upper surface (page 1, lines 98-100) as required by claims 1, 17 and 19, a portion of transparent upper surfaces having a variety of indicia positioned thereon (page 1, lines 85-88) as required by claim 1, 15, 17 and 19, indicia being positioned on an under surface of a transparent upper surface of an individual key-accommodating structure (page 1, lines 98-100) as required by claim 8. A keyboard overlay adapted to cover a whole of the keyboard, as required by claim 10, is described on page 1, lines 58-61). Providing a computer keyboard, as required by claims 15 and 19, is described on page 2, lines 29-31.

Although Polatschek discloses some of the elements of the claims, as stated above, the reference fails to teach, a portion of the upper surface of a key accommodating structures having a lower-case letter positioned thereon in a non-interfering location as required by claims 1, 15, 17 and 19, a lower-case letter positioned in a fourth quadrant as required by claim 2, a lower-case letter positioned in a second quadrant as required by claim 3, a lower-case letter positioned in a third quadrant as required by claim 4, lower-case letters are rendered in a first font style as required by claim 5, a first font style being D'Nealian as required by claim 6, a first font style being Zaner Bloser as required by claim 7, a keyboard having a glyph of an upper-case letter as required by claim 15. However, Evans discloses keyboard having upper-case lettering (page 1, lines 12-13 and page 2, lines 11-14) and a keyboard cover which teaches that it is known to provide a keyboard overlay having a plurality of individual key-accommodating structures (fig.2) with a portion of the upper surface of a key accommodating structures having a lower- case letter positioned thereon (fig. 2), and lower-case letters are rendered in a first font style (fig. 2). While Kohl teaches that it is know to provide a key cover with different indicia than on the keyboard key in a non-interfering location (second paragraph). Therefore it would have been obvious to one having ordinary skill in the art, at the time of the claimed invention, in view of the teachings of Evans and Kohl, to manufacture the keyboard of Polatschek with upper-case lettering while providing the transparent overlay cover of Polatschek with lower-case indicia positioned in an non-interfering location for the purpose of providing a durable keyboard cover aiding young children in learning keyboard skills not blocking

out the alphabet keys on the keyboard, especially since Polatschek clearly states that one of the primary objectives of his invention is that it not interfere with the normal operation of the keys (page 1, lines 65-68).

Regarding claims 2-7, 12-14 it would have been obvious to position a lower-case letter, printed in a D'Nealian or Zaner Bloser font style, in a second, third or fourth quadrant, horizontally, vertically and diagonally aligned for the purpose of interest to the consumer, especially since such positioning and fonts are all known in the art (see Evans for diagonal alignment, Frost for vertical alignment). The positioning and the font style of the lower-case letters are an obvious choice of design in as much as the applicant discloses no advantage or critical need for them (see applicants specification page 14, paragraph 0051, lines 12-14), the only criteria is that the location of the lower-case letter be in a non-interfering position relative the upper-case letter (see applicants specification page 11, paragraph 0044).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over over Polatschek (GB 2,152,437), Evans (GB 2,336,570) and Kohl (product description entitled "Reading to the left"), as stated above, and further in view of Nichol '825. Polatschek, as modified by Evans and Kohl, discloses all of the elements of the claims, as stated above, but for a covering layer being adhesively attached on individual keys as required by claim 16. However, Nichol discloses a keyboard cover which teaches adhesive attachment on individual keys (col. 7, lines 39-42 and line 46). Therefore it

would have been obvious to adhesively attach the cover of Evans on individual keys for the purpose of secure attachment.

Claims 1, 8-9, 15-16, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohl (product description entitled "Reading to the left") in view of Evans (GB 2,336,570) or Education Technology News, v11, n11, July 7, 1994 (here from referred to as ETN) and Lyons et al (WO 94/00809). Kohl discloses a computer related apparatus which teaches the use of clear/transparent stickers having indicia applied to a keyboard surface in a non-interfering manner so that the underlying alphabet key is visible (second paragraph) along with the indicia of the sticker.

Evans or ETN discloses that it is known to provide a computer keyboard and overlay having indicia being lower-case lettering (see abstract of ETN and figures 1-2 of Evans).

Lyons discloses a computer related apparatus which teaches that it is known to provide a transparent cover overlay (2) to individual stickers (6) located on respective keys (8) on a keyboard (10) for the purpose of protecting the keyboard (page 4, lines 15-16. Therefore it would have been obvious, in view of Evans or ETN, to provide the stickers of Kohl with lower-case lettering for the purpose of being able to teach children keyboarding skills and to provide a transparent cover, in view of Lyons, with the sticker of Kohl for the purpose of protecting the keyboard of Kohl.

### ***Response to Arguments***

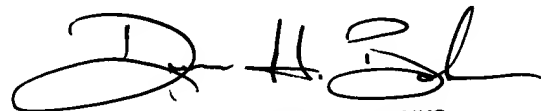
Applicant's arguments with respect to claims 1-10, 12-17, 19 and 21 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 703-305-0085. The examiner can normally be reached on Mon - Friday 9am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on 703-308-1745. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

A handwritten signature in black ink, appearing to read 'D. H. Banks', with a stylized, cursive script.

DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700

ds